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10 Attorneys for Defendants, Counter-Claimants, and Third-Party Plaintiffs  
11 JOHN PETER LEE, LTD., and the ESTATE OF JOHN PETER LEE

12  
13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA

15 EVANSTON INSURANCE COMPANY, )  
16 )  
17 Plaintiffs, )  
18 )  
19 v. )  
20 70 LIMITED PARTNERSHIP, a Nevada L.P.; )  
21 TERTIA DVORCHAK, as Special )  
Administratrix of the Estate of Thomas T. Beam, )  
22 Deceased; JOHN PETER LEE, LTD., a Nevada )  
Professional Corporation; and JOHN PETER )  
LEE, an Individual, )  
23 Defendants. )

24 JOHN PETER LEE, LTD. and JOHN PETER )  
LEE, )  
25 Third-Party Plaintiff, )

26 v. )  
27 HARLEY E. HARMON INSURANCE )  
AGENCY, INC., )  
28 Third-Party Defendant. )

CASE NO.: 2:14-CV-01370-RFB-NJK  
  
**STIPULATION AND PROPOSED  
ORDER, PURSUANT TO LOCAL  
RULE 1A 6-1, TO EXTEND THE  
DEADLINE FOR FILING A PROPOSED  
SCHEDULING ORDER  
(Fourth Request)**

1 This matter was stayed effective December 5, 2014, when Magistrate Judge Nancy J. Koppe  
2 issued an Order staying this action pending the resolution of the malpractice lawsuit, entitled *70*  
3 *Limited Partnership, et al. v. John Peter Lee, Ltd., et al.*, Case No. A-13-691389-C, Eighth Judicial  
4 District, State of Nevada, Clark County (“*Malpractice* action”).

5 The *Malpractice* action involved allegations of attorney malpractice by John Peter Lee, Ltd.,  
6 and John Peter Lee in connection with their work on an inverse condemnation case, captioned *70*  
7 *Limited Partnership, et al. v. McCarron International Airport and Clark County*, Clark County  
8 District Court, Case no A572739 (“*McCarron* action”). Moreover, the case, captioned *F & C*  
9 *Collections, Inc. and John Peter Lee, Ltd., v. Estate of Thomas T. Beam, Jimma Lee Beam*  
10 *Revocable Trust, 70 Limited, LLC., Leigh, T&D, Inc., Jimma Lee Beam (deceased), Tertia Dvorchak*  
11 *and Bank of Nevada*, Clark County District Court, Case No. A-13-680570-B (“*Collection* action”),  
12 began when John Peter Lee, Ltd., sought to recover the fees/costs earned prosecuting the *McCarron*  
13 action. The *Malpractice* action was filed after the *Collection* action approximately seven and one-  
14 half months later. On or about April 25, 2014, the *Malpractice* action was consolidated with the  
15 *Collection* action.

16 A settlement was reached in the *Collection* action, and *Malpractice* action was dismissed.  
17 In light of these developments, the parties recently requested the Court lift the stay. The Court lifted  
18 the Stay effective August 17, 2017, and ordered the parties to file a proposed scheduling order by  
19 August 24, 2017.

20 This matter involves six parties. These parties are: (1) Evanston Insurance Company, (2)  
21 *70 Limited Partnership*, (3) Tertia Dvorchak, (4) John Peter Lee, LTD., (5) the Estate of John Peter  
22 Lee, and (6) Harley E. Harmon Insurance Agency, Inc. Evanston Insurance Company, is the  
23 professional liability insurer of the deceased John Peter Lee and Mr. Lee’s law firm - John Peter  
24 Lee, Ltd. Mr. Lee passed away during the time that this matter was stayed. *70 Limited*  
25 *Partnership* and Tertia Dvorchak brought the *Malpractice* action against Mr. Lee and John Peter  
26 Lee, Ltd. The Estate of John Peter Lee and John Peter Lee, Ltd., filed a Third-Party Complaint  
27 against John Peter Lee, Ltd.’s insurance broker, Harley E. Harmon Insurance Agency, Inc., for  
28 claims related to the *Malpractice* action.

1 In the second half of August of 2017, the parties commenced settlement discussions. The  
2 parties requested that the deadline for filing a proposed Scheduling Order be extended from August  
3 24, 2017 to September 6, 2017, so that the parties would have time to continue their settlement  
4 discussions. The Court granted the request and signed the Stipulation. Thereafter, the parties made  
5 a second request that the deadline for filing a proposed Scheduling Order be extended from  
6 September 6, 2017 to September 13, 2017, for the parties to continue their settlement discussions.  
7 The Court granted the request and signed the Stipulation. Recently, the parties made a third  
8 request that the deadline for filing a proposed Scheduling Order be extended from September 13,  
9 2017 to September 22, 2017. The Court granted the request and signed the Stipulation.

10 During the past month, the parties have continued settlement discussions. Evanston  
11 Insurance Company, on the one hand, and John Peter Lee, LTD., and the Estate of John Peter Lee,  
12 on the other hand, have been tentatively settled. The claims asserted by Evanston Insurance  
13 Company against Tertia Dvorchak and 70 Limited Partnership have been tentatively settled. The  
14 remaining claim is the claim of John Peter Lee, LTD., and the Estate of John Peter Lee, on the other  
15 hand, against Harley E. Harmon Insurance Agency, Inc., on the other hand. As of yesterday, the  
16 parties were making substantial progress toward resolving the remaining claim but no final deal has  
17 been worked out yet. The parties are optimistic that the settlement of this remaining claim is  
18 imminent.

19 The parties request that the deadline for filing a proposed Scheduling Order be extended  
20 21 days to provide the parties involved with sufficient time to enter into written settlement  
21 agreements and dismiss the lawsuit.

22 The Parties hereby stipulate that the deadline to file the proposed Scheduling Order be  
23 continued 21 days to October 13, 2017.

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1 DATED: September 22, 2017

YARON & ASSOCIATES

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15 Claimants, and Third-Party Plaintiffs  
16 JOHN PETER LEE, LTD., and ESTATE  
17 OF JOHN PETER LEE

18 DATED: September 22, 2017

CLARK HILL, PLLC

19 By: /s/ Nicholas M. Wieczorek  
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25 Defendant  
26 EVANSTON INSURANCE COMPANY

27 DATED: September 22, 2017

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Attorneys for Third-Party Defendant  
HARLEY E. HARMON INSURANCE  
AGENCY, INC.

1 DATED: September 22, 2017

WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

2 By: ls\ Jeremy R. Alberts  
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14 70 LIMITED PARTNERSHIP and  
15 TERTIA DVORCHAK  
16

17 IT IS SO ORDERED

18   
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: September 25, 2017  
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